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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR    | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|-------------------------|---------------------|------------------|
| 10/600,077   | 06/20/2003  | Nicholas Michael DeVito | 5-12-2-2            | 6848             |
| 7590   | 12/29/2005  |                         | EXAMINER            |                  |
| Docket Administration (Room 3J-219)<br>Lucent Technologies Inc.<br>101 Crawfords Corner Road<br>Holmdel, NJ 07733-3030 |             |                         | BUI, BING Q         |                  |
|  |             |                         | ART UNIT            | PAPER NUMBER     |
|  |             |                         | 2642                |                  |

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/600,077             | DEVITO ET AL.       |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Bing Q. Bui            | 2642                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 12 October 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-4 and 6-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4 and 6-18 is/are rejected.
- 7) Claim(s) 19 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 30 September 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

|   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's Amendment filed on 10/12/2005 has been entered. Claims 1 and 4 have been amended. Claim 5 has been cancelled. No claims have been added. Claims 1-4 and 6-19 are still pending in this application, wherein claims 1, 7, 8 and 18 being independent.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-4 and 6-19 have been considered but are moot in view of the new ground(s) of rejection.

### ***Allowable Subject Matter***

3. Claim 19 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Claim Rejections - 35 USC § 102***

4. Claims 1-4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Strauss et al (US Pat No. 5,864,612), herein after referred as Strauss.

Regarding claim 1, referring to figures 1 and 3-4B, Strauss teaches method for sending a short message from a first wireline phone to a second wireline phone comprising:

sending a preformatted SMS (Short Message Service) message from the first wireline phone to a switch (see Abstract; and figures 1 and 3-4B; and col. 7, ln 60-col. 9, ln 20); and

sending a SMS message from the switch to the second wireline phone, the SMS message based upon the preformatted SMS message (see Abstract; and figures 1 and 3-4B; and col. 7, ln 60-col. 9, ln 20).

Regarding claim 2, referring to figures 1 and 3-4B, Strauss teaches the method for sending a short message from a first wireline phone to a second wireline phone in accordance with claim 1 the method further comprising the step of denying the SMS message at the second wireline phone (see Abstract; and figures 1 and 3-4B; and col. 7, ln 60-col. 9, ln 20).

Regarding claim 3, referring to figures 1 and 3-4B, Strauss teaches the method for sending a short message from a first wireline phone to a second wireline phone in accordance with claim 1, the method further comprising the step of displaying the SMS message on a caller ID display (see Abstract; and figures 1 and 3-4B; and col. 7, ln 60-col. 9, ln 20).

Regarding claim 4, referring to figures 1 and 3-4B, Strauss teaches the method for sending a short message from a first wireline phone to a second wireline phone in accordance with claim 1, the method further comprising the step of converting the SMS

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message to a voice message (see Abstract; and figures 1 and 3-4B; and col. 7, ln 60-col. 9, ln 20).

Regarding claim 6, referring to figures 1 and 3-4B, Strauss teaches the method for sending a short message from a first wireline phone to a second wireline phone in accordance with claim 1. the method further comprising the step of interworking a wireless SMS (see Abstract; and figures 1 and 3-4B; and col. 7, ln 60-col. 9, ln 20).

5. Claims 8-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Inokuma et al (US Pat No. 5,652,576), herein after referred as Inokuma.

Regarding claims 8, referring to figure 20, Inokuma teaches a method for sending a message from a first wireline phone to a wireline SMS group, the wireline SMS group comprising a plurality of wireline phones, the method comprising:

    sending a group SMS message for the wireline SMS group from the first wireline phone to a switch (see fig 20; and col. 17, ln 61-col 18, ln 16); and

    sending the group SMS message from the switch to each of the plurality of wireline phones that are members of the wireline SMS group (see fig 20; and col. 17, ln 61-col 18, ln 16).

Regarding claims 9, referring to figure 20, Inokuma teaches the method for sending a message from a first wireline phone to a wireline SMS group in accordance with claim 8, wherein the step of sending a group SMS message for the wireline SMS group from the first wireline phone to a switch comprises sending a group SMS

message comprising a list sent in the signaling message (see fig 20; and col. 17, ln 61-col 18, ln 16).

Regarding claims 10, referring to figure 20, Inokuma teaches the method for sending a message from a first wireline phone to a wireline SMS group in accordance with claim wherein the wireline SMS group comprises a list provisioned on the switch (see fig 20; and col. 17, ln 61-col 18, ln 16).

Regarding claims 11, referring to figure 20, Inokuma teaches the method for sending a message from a first wireline phone to a wireline SMS group in accordance with claim 10, wherein the wireline SMS group is associated with a directory number (see fig 20; and col. 17, ln 61-col 18, ln 16).

Regarding claims 12, referring to figure 20, Inokuma teaches the method for sending a message from a first wireline phone to a wireline SMS group in accordance with claim 8, wherein the step of sending the group SMS message from the switch to each of the plurality of wireline phones comprises:

    sending the group SMS message from the switch to a first wireline phone (see fig 20; and col. 17, ln 61-col 18, ln 16); and

    sending the group SMS message from the switch to a second wireline phone via a second switch (see fig 20; and col. 17, ln 61-col 18, ln 16).

Regarding claims 13, referring to figure 20, Inokuma teaches the method for sending a message from a first wireline phone to a wireline SMS group in accordance with claim 8, the method further comprising the step of providing voice mail notification

at at least one of the plurality of wireline phones that are members of the wireline SMS group (see fig 20; and col. 17, ln 61-col 18, ln 16).

Regarding claims 14, referring to figure 20, Inokuma teaches the method for sending a message from a first wireline phone to a wireline SMS group in accordance with claim 8, the method further comprising the step of providing e-mail interworking at least one of the plurality of wireline phones that are members of the wireline SMS group (see fig 20; and col. 17, ln 61-col 18, ln 16).

Regarding claims 15, referring to figure 20, Inokuma teaches the method for sending a message from a first wireline phone to a wireline SMS group in accordance with claim 8, the method further comprising the step of, at the second switch, determining which phones should receive the group SMS message (see fig 20; and col. 17, ln 61-col 18, ln 16).

Regarding claims 16, referring to figure 20, Inokuma teaches the method for sending a message from a first wireline phone to a wireline SMS group in accordance with claim 15, the method further comprising the step forwarding the group SMS message from the second switch to the second wireline phone (see fig 20; and col. 17, ln 61-col 18, ln 16).

Regarding claims 17, referring to figure 20, Inokuma teaches the method for sending a message from a first wireline phone to a wireline SMS group in accordance with claim 8, wherein the step of sending the group SMS message from the switch to a first wireline phone comprises sending the group SMS message via a plurality of segmented messages (see fig 20; and col. 17, ln 61-col 18, ln 16)

Regarding claims 18, referring to figure 20, Inokuma teaches a method for sending a message from a first wireline phone to a wireline SMS group, the wireline SMS group comprising a plurality of wireline phones, the method comprising :

sending a group SMS message for the wireline SMS group from the first wireline phone to a gatekeeper database (see fig 20; and col. 17, ln 61-col 18, ln 16);

determining at the gatekeeper database the directory number of each of the phones in the wireline SMS group (see fig 20; and col. 17, ln 61-col 18, ln 16); and

sending the group SMS message from the gatekeeper database to the phones in the wireline SMS group (see fig 20; and col. 17, ln 61-col 18, ln 16).

#### ***Claim Rejections - 35 USC § 103***

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over well known feature in the art.

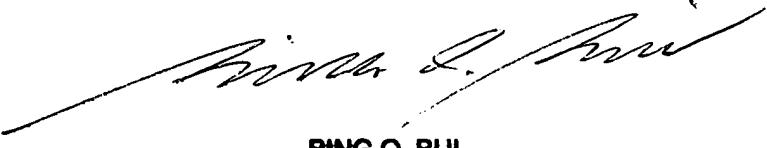
The feature of claim 7 can be found in well known paging service, wherein a caller can send a message to the paging service for requesting this paging service to relay his message to a recipient pager, and subsequently, this message is almost instantly (near real time) sent to recipient pager.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bing Bui, Tel. No. (571) 272-7482. The examiner can normally be reached on Monday through Thursday from 7:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300 and for formal communications intended for entry (please label the response  EXPEDITED PROCEDURE ) or for informal or draft communications not intended for entry (please label the response "PROPOSED" or "DRAFT").

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

24 Dec 2005



BING Q. BUI  
PRIMARY EXAMINER